REMARKS/ARGUMENTS

These remarks are responsive to the Final Office Action dated January 25, 2006, and further to the Notice of Appeal filed May 10, 2006 and Appeal Brief filed June 4, 2007. Applicants respectfully request entry of this Amendment and continued examination of this patent application. Claims 1, 4-6, 11, 32-34, 40-50, and 53-54 have been amended, claims 3, 7-10, 12-31, 35-39, 51, and 55 have been canceled without prejudice or disclaimer, and new claims 56-63 have been added. Claims 1, 4-6, 11, 32-34, 40-50, 53-54, and 56-63 thus remain pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 1, 20, 32, 41-45, 47, 49-50, and 55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,496,935 (Fink). Claims 4-5, 11, 33, 46, 48, and 53 stand rejected under 35 U.S.C. § 103 over Fink in view of U.S. Patent No. 6,397,335 (Franczek). Claims 6, 34, and 54 stand rejected under 35 U.S.C. § 103 over Fink in view of U.S. Patent No. 6,886,102 (Lyle). Claim 40 stands rejected under 35 U.S.C. § 103 over Fink in view of U.S. Patent No. 6,721,424 (Radatti). Applicants respectfully traverse these rejections for at least the following reasons.

Amended claim 1 recites a firewall configured to "classify the received data packets based on the contents of the data packets into packets of a first type which cannot contain a virus and packets of a second type which can contain a virus." (Emphasis added) In the Final Office Action and on pages 35-36 of the Examiner's Answer dated September 7, 2007, it is alleged that Fink teaches filtering of packets based on whether or not they can contain a virus by identifying instances of packet 'spoofing.' However, spoofing relates only to the source of the data packets, and is not based on the contents of the data packets. Therefore, Fink does not teach or suggest a firewall "classify[ing] the received data packets based on the contents of the data packets into packets of a first type which cannot contain a virus and packets of a second type which can contain a virus," as recited in amended claim 1. Neither Franczek nor Lyle nor Radatti cures this deficiency of Fink in that none of the cited references disclose classifying data packets as to whether or not they can contain a virus "based on the contents of the data packets." Therefore, the cited

references, alone or in combination, do not teach or suggest every feature of amended claim 1. Accordingly, Applicants submit that claim 1 is not obvious in view of the cited art.

Independent claims 49 and 50 have also been amended to recite "classifying [the received data packets] based on the contents of the data packets into packets of a first type which cannot contain a virus and a second type which can contain a virus." Therefore, for similar reasons discussed above in reference to claim 1, amended claims 49 and 50 are also not obvious over Fink, alone or in combination with any of the additional cited references.

Dependent claims 4-6, 11, 20, 32-34, 40-48, and 53-55 are not obvious in view of the cited references for at least the same reasons as their respective base claims, as well as based on the additional features recited therein. For example, amended claims 4 and 53 each recite "wherein the classifying comprises determining that data packets of the first type contain real time data." Additionally, claim 5 depends from claim 4 and further recites "determining that data packets of the first type are part of an audio or video data stream." Neither the relied-upon portions of Fink, nor any other portion of the cited references that the Applicants have identified teaches or suggests classifying data packets as to whether or not they can contain a virus by determining that data packets contain real time data or by determining that data packets are part of an audio or video data stream. Therefore, amended claims 4, 5, and 53 are allowable for these additional reasons.

New Claims

Applicants have added new claims 56-62 to clarify and more fully claim the invention. Each new claim 56-61 depends from either claim 1, 49, or 50, and is therefore allowable over the cited references for at least the same reasons as its respective base claim. Additionally, claims 57-59 recite either "determining that data packets of the first type contain real time data," or "determining that data packets of the first type are part of an audio or video data stream," and are therefore allowable for similar reasons discussed above regarding claims 4, 5, and 53.

Independent claim 62 recites an apparatus comprising computer executable instructions for performing the same method recited in amended claim 49. Accordingly, independent claim 62 is allowable for at least the same reasons discussed above regarding claim 49.

CONCLUSION

Based on the foregoing, Applicants respectfully submit that the application is in condition for allowance and a Notice to that effect is earnestly solicited. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact Applicants' undersigned representative at the below-listed number.

Respectfully submitted,

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